UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,428	08/29/2003	Fei Xie	17405US04	8633

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EXAMINER
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ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/651,428	XIE, FEI
	Examiner	Art Unit
	Yuwen Pan	2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 June 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Arguments

1.   Applicant's arguments filed on 6/9/06 have been fully considered but they are not persuasive.

The applicant argues that prior art of record doesn't teach that, "each of the plurality of recording modes for recording a different set of data frames exchanged between the mobile set and a second device during a phone call", especially Ohsuge remember merely teaches that set of same set of data frames that are compressed in different compression rate. The examiner respectfully disagrees because the term of "a different set of data frames" is vague. The examiner interprets different set of data frames as frames between uplink and downlink data in which is fully disclosed in the Ohsuge reference.

The applicant further argues that prior art of records doesn't teach displaying a plurality of recording modes. The examiner respectfully disagrees because Goh clearly teaches that display "REC" and "STOP" in which is part of recording modes (see figure 2).

The applicant further argues that the uplink and downlink data frames are selectively recorded based on data content analysis of each uplink and downlink data frame. The examiner respectfully disagrees. First of all, it is not necessary to analyze the data from the downlink because the data has been encoded from the other end. Second, all these different encoders, ADPCM, V-SELP or PSI-CELP, more or less recorded voice stream selectively (see column 2 and lines 27-30).

At least foregoing reason, the previous rejections stand.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-8, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh

(US006671353B1) in view of Ohsuge (US006351635B1).

Per claims 1 and 2, Goh discloses a method in a mobile set for selecting data to be stored,

comprising: displaying a plurality of recording modes (see col. 2 and lines 33-60); indicating a

selection means for choosing a recording mode (see col. 2 and lines 55-60); and providing a

confirmation signal after a selection means for choosing a recording mode has been selected (see

col. 3 and lines 1-3).

Goh doesn't teach that each recording mode for recording a different set of data frames

exchanged between the mobile set and a second device during a phone call and recording a set of

data frames identified by a selected recording mode. Ohsuge discloses each recording mode for

recording a different set of data frames exchanged between the mobile set and a second device

during a phone call and recording a set of data frames identified by a selected recording mode

(figure 1, column 2 and lines 20-30) and recording a set of data frames identified by a selected

recording mode (column 2 and lines 50-55).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Ohsuge with Goh such that a user could save limited storage space.

Per claim 3, Goh discloses a method in a mobile set for replaying recorded conversation, comprising: displaying a line indicating a data structure of recorded conversation (see table 1); and in response to selection of the displayed line, replaying a recorded conversation (see col3. lines 50-54).

Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode. Ohsuge discloses each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode (figure 1, column 2 and lines 20-30) and recording a set of data frames identified by a selected recording mode (column 2 and lines 50-55).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Ohsuge with Goh such that a user could save limited storage space.

Per claim 4, Goh discloses a method in a mobile set, for replaying previously recorded conversations during a real time conversation, comprising: displaying a list of data structure representing recorded conversation (see table 1); and in response to selection of the displayed list, replaying at least a portion of a data structure (see col.3 and lines 55-62).

Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode. Ohsuge discloses each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode (figure 1, column 2 and lines 20-30) and recording a set of data frames identified by a selected recording mode (column 2 and lines 50-55).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Ohsuge with Goh such that a user could save limited storage space.

Per claims 5 and 6, Goh further teaches that the displaying of a list of data structures can be accessed during a real time subscriber conversation using the mobile set without interfering in the communication between the subscriber and a base station (see column 3 and lines 7-18); in response to a selection of the displayed list, a portion of a previously recorded conversation may be played back and transmitted through the uplink signal (see col.3 and lines 63 and 64).

Per claim 7, Ohsuge further teaches that the set of data frames include speech data transmitted by the mobile set to the second device during the phone call (see column 2 and lines 20-30).

Per claim 8, Ohsuge further teaches that the set of data frames include speech data

received by the mobile set from the second device during the phone call (see column 2 and lines

20-30).

Per claim 10 and 11, Ohsuge further teaches that the data frames include speech data (see

column 2 and lines 20-30).

3.   Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh

(US006671353B1) and Ohsuge (US006351635B1) as applied to claims 1 above, and further in

view of Jenkins (US006377793B1).

Combination of Ohsuge and Goh doesn't teach that the set of data include non-speech

data. Jenkins teaches that the set of data frames include video data (see column 6 and lines 42-

67). It would have been obvious to one ordinary skill in the art at the time the invention was

made to combine the teaching of Jenkins with the combination of Ohsuge and Goh such that a

user is able to record not only the voice data but also the video stream such as videoconference.

4.   Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh

(US006671353B1) and Ohsuge (US006351635B1) as applied to claim above, and further in

view of Haimi-Cohen (US006233320B1).

Per claim 18-20, Combination of Ohsuge and Goh doesn't teach that data content

analysis includes a determination of data content level and the data content analysis includes a

determination of voice activity. Haimi-Cohen further teaches that data content analysis includes

a determination of data content level and the data content analysis includes a determination of

voice activity (see column 4 and line 66-column 5 and line 25). It would have been obvious to

one ordinary skill in the art at the time the invention was made to combine teaching of Haimi-

Cohen with the combination of Goh and Ohsuge such that less space would be used while storing

the voice data.

5.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goh

(US006671353B1) and Ohsuge (US006351635B1) as applied to claim 1 above, and further in

view of Yoshida et al (US006256354B1).

        Combination of Goh and Ohsuge disclose an analogous art as recited in claim 1.

Combination of Goh and Haimi-Cohen doesn't teaches that a first recording mode records only

data transmitted by the mobile set to the second device, a second recording mode records only

data received by the mobile set from the second device, and a third recording mode records both

the data transmitted by the mobile set to the second device and the data received by the mobile

set from the second device. Yoshida teaches that a first recording mode records only data

transmitted by the mobile set to the second device, a second recording mode records only data

received by the mobile set from the second device, and a third recording mode records both the

data transmitted by the mobile set to the second device and the data received by the mobile set

from the second device (see figure 4-8, column 3 and lines 17-38). It would have been obvious to

one ordinary skill in the art at the time the invention was made to combine the teaching of

Yoshida with Hami-Cohen and Goh such that the user has more options to record voice or

conversation with a portable phone device.

6.   Claim 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh

(US006671353B1) and Haimi-Cohen (US006233320B1) as applied to claim 1 above, and further

in view of McCutcheon et al (US006161007A).

Combination of Goh and Haimi-Cohen disclose an analogous art as recited in claim 1.

Combination of Goh and Haimi-Cohen doesn't teach the non-speech data includes one of video,

text graphics, and application data. McCutcheon teaches an apparatus includes the necessary

functionality to receive, record, process, and output incoming wireless voice, text data, and

multi-media messages (see abstract, column 1 and lines 45-52). It would have been obvious to

one ordinary skill in the art at the time the invention was made to combine the teaching of

McCutcheon with Goh and Hami-Cohen such that the user could receive and distinguish

different type of data during usage of the wireless communication device.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The

examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yuwen Pan
July 25, 2006

Matthew D. Anderson
Supervisory Patent Examiner